5 November 2004
NGO/Scientist Right Whale/Ship Strike Reduction
Focused Group Discussion Meeting
New Bedford, MA

NMFS Presenters: Pat Gerrior and Barb Zoodsma
NMFS Observers: Kristen Koyama, Patricia McGinn

Participants:

Ingrid Biedron	Cornell Bioacoustics Program
Carole Carlson	International Fund for Animal Welfare
Dave Carriulo	US Army Corps of Engineers
Erin Estrada	University of New England
Tim Howard	US Coast Guard
Cherie Keller	Florida Fish and Wildlife Conservation Commission
Edward Lyman	MA Dept. of Marine Fisheries
Hans Neuhauser	Right Whale News
Owen Nichols	Center for Coastal Studies
John Pribilla	US Army Corps of Engineers
Regina Silvia	International Wildlife Coalition
Karen Steuer	National Environmental Trust
Leslie Ward	Florida Fish and Wildlife Conservation Commission
Sharon Young	Humane Society of the US

Presentations:

- Barb Zoodsma presented overview of ship strike strategy and detailed presentation on MidAtlantic and Southeast U.S. operational measures.
- Pat Gerrior presented detailed presentation on Northeast U.S. operational measures.

Presentations and additional background information are posted on the following websites:
http://www.nmfs.noaa.gov/pr/ (scroll down to "Ship Strike Strategy")
http://www.nero.noaa.gov/shipstrike/

Group Discussion:

There was a discussion about the Northwest corner of the proposed GSC Management Area and why it was not included in the management area. NOAA/NMFS reported that it was excluded due to the lack of sightings in the area and the area served as a logical ingress and egress area for trans Atlantic and Canadian ship traffic. The participant pointed out that whales routinely traverse through that area as they move between [Cape Cod Bay and Great South Channel] habitats. A state representative countered that whales generally moved through the area further south than the "cut out corner."

One participant asked if there were any plans for Sightings Per Unit Effort (SPUE) analysis of Great South Channel data? NOAA/NMFS responded that this has come up within the Agency and discussed by various individuals.

One participant asked what "no whales seen" meant relative to the Dynamic Management Area (DMA) trigger? For instance, what if whales were detected acoustically, but "not seen" by aerial surveys or other visual observations? NOAA/NMFS indicated that these details are being worked out.

NOAA/NMFS pointed out that the CCB route into Provincetown, as proposed, would include a speed restriction except when no whales are seen or otherwise detected (i.e., confirmation that no right whales are present).

One participant asked if pop up buoys will be used to help determine whale occurrence and distribution. NOAA/NMFS responded that, yes, passive acoustic listening buoys hold promise – we are excited to hear about Chris Clark's work with real time monitoring capabilities. We will be looking for ways to take advantage of this technology and incorporate it into the ship strike reduction efforts.

One participant asked about the status of the Port Access Route Study (PARS) to be conducted by the USCG for NE and SE. NOAA/NMFS responded that the Agency had asked the Coast Guard to begin the work, but staff present was not aware that any action had been initiated.

One participant inquired as to whether speed restrictions were proposed for only in lanes or in the entire Cape Cod Bay area? NOAA/NMFS indicated that as proposed in the ANPR and subject to the results of a Coast Guard conducted PARS, there would be speed restrictions only in the lanes to Provincetown. No speed restrictions are proposed in the ANPR for the western side of Cape Cod Bay lanes.

A number of participants were concerned about high speed whale watch vessels that transited in numerous directions across the Bay. These participants advocated speed restrictions throughout the Bay, not just the Provincetown lanes, to address whale watch vessels. NOAA/NMFS staff asked when the whale watch season typically started with respect to the Cape Cod Bay area. The participants stated that it began around the beginning of April.

One participant pointed out that the fisheries Dynamic Area Management (DAMs) were not workable and they took too long to implement. Why did NMFS think DMAs would work? NOAA/NMFS staff responded that Agency personnel are discussing ways for timely implementation and that timeliness was essential to effectiveness.

This participant continued and pointed out that Off Race Point area appears to be designed to protect the egress of right whales from Cape Cod Bay. However, measures should take into account ingress and residency time in Cape Cod Bay; residency time in the Bay may be short, with estimates of a maximum of 7 weeks. Whales can arrive as early as December; therefore, there may be constant ingress/egress beginning in December. During the discussion, it was

pointed out that it might be useful to review Schevill's data for Cape Cod Bay also; photo ID data shows animals moving in and out of that area all the time.
NOAA/NMFS concurred and pointed out that passive acoustic listening buoys will provide additional information in that area.
Another participant stated that Race Point Restrictions should be similar in time period or duration to Cape Cod Bay proposed time period to protect ingress/egress. However, the period 1 January –15 May should be considered.

One participant suggested that NMFS review telemetry data for MidAtlantic region where there are lots of ships, or lots of whales –both scenarios result in high risk for right whales. These data suggest that Kingfisher and other right whales move between the SE and NE habitats within a single winter. They represent a small sample of significant use of midAtlantic region during winter.
NOAA/NMFS added that two IFAW supported researchers are expected to complete an analysis on the mid Atlantic corridor using sightings and photo ID data from the NE and SE.

Another participant suggested political considerations should be taken into account in future data collection efforts—e.g. focus data collection (pop-up buoys) in regions where you will need the strongest data to support your case. Areas where industry has strong Congressional support/representation should be considered as well.

One participant asked why an Environmental Assessment is being developed and not an Environmental Impact Statement (EIS). NOAA/NMFS indicated this question had come up in several meetings and that the Agency will consider this concern. NOAA/NMFS staff indicated they had been advised that there is not a significant environmental impact to necessitate an EIS.

One participant pointed out that the ACOE will be online with the Automated Information System (AIS) soon—it is currently being developed with the USCG. AIS may eventually provide a constant broadcast of information to mariners. This future capability combined with real-time pop-up buoys could be a real asset in right whale ship strike mitigation.
Another participant agreed this could be an asset, but pointed out that not all ships will have AIS on-board; implementation is staggered and is an expense issue for some smaller vessels

The ACOE understood that AIS would be mandatory for all commercial vessels, including tug and barge, transiting the Cape Cod Canal. This is based on recent legislation passed to prevent future oil spills *[Editor's note: for clarification purposes, AIS requirements are included in Appendix 1]*.

Appendix 1. Vessels required to carry operational Automatic Identification System per 33 CFR 164/46.

(1) Self-propelled vessels of 65 feet or more in length, other than passenger and fishing vessels, in commercial service and on an international voyage, not later than December 31, 2004.

(2) Notwithstanding paragraph (a)(1) of this section, the following, self-propelled vessels, that are on an international voyage must also comply with SOLAS, as amended, Chapter V, regulation 19.2.1.6, 19.2.4, and 19.2.3.5 or 19.2.5.1 as appropriate (Incorporated by reference, see § 164.03):

(i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more but less than 50,000 gross tonnage, not later than the first safety survey for safety equipment on or after July 1, 2004, but no later than December 31, 2004.

(3) Notwithstanding paragraphs (a)(1) and (a)(2) of this section, the following vessels, when navigating an area denoted in table 161.12(c) of § 161.12 of this chapter, not later than December 31, 2004.

(i) Self-propelled vessels of 65 feet or more in length**,** other than fishing vessels and passenger vessels certificated to carry less than 151 passengers-for-hire, in commercial service;

(ii) Towing vessels of 26 feet or more in length and more than 600 horsepower, in commercial service;

(iii) Passenger vessels certificated to carry more than 150 passengers-for-hire.